

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT E.D.N.Y.

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UNITED STATES OF AMERICA

BROOKLYN OFFICE

FINAL ORDER
OF FORFEITURE

- against -

CR-04-150 (S-1) (JG)

NEIL FOSTER PHILLIPS II,

Defendant.

- - - - - X

WHEREAS, on November 4, 2004, defendant NEIL FOSTER PHILLIPS II (the "defendant") pled guilty to a Superseding Information charging mail fraud conspiracy; and

WHEREAS, pursuant to a Consent Order of Forfeiture entered on January 19, 2005 (the "Consent Order"), the defendant was ordered to pay a forfeiture money judgment in the amount of \$3,108,166.96 (the "Forfeiture Money Judgment"); and

WHEREAS, the Consent Order required the defendant to pay the Forfeiture Money Judgment from the proceeds of the sale of the real properties, as defined in the Consent Order; and

WHEREAS, the Consent Order required the defendant to pay the Forfeiture Money Judgment in full no later than July 31, 2005;

WHEREAS, the defendant has sold certain of the real properties, and the net proceeds of those sales have been applied toward the Forfeiture Money Judgment; and

WHEREAS, despite his good faith efforts, to date the

defendant has been unable to sell the remaining real properties;
and

WHEREAS, as of February 16, 2006, the defendant had made payments totaling \$1,916,891.85 toward the Forfeiture Money Judgment; and

WHEREAS, on February 17, 2005, the defendant made another payment of \$20,000 toward the Forfeiture Money Judgment; and

WHEREAS, as of the date hereof, \$1,171,275.11 of the Forfeiture Money Judgment remains outstanding.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Except as amended herein, the Consent Order is made final and both this Final Order of Forfeiture and the Consent Order are made part of the defendant's sentence in the above-captioned matter and are included in the judgment. The Forfeiture Money Judgment is entered against the defendant pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. The defendant shall forfeit all of his right, title and interest in the Forfeiture Money Judgment, and the United States shall have clear title to any payments made toward the Forfeiture Money Judgment.

3. The defendant shall continue to make good faith efforts to sell the remaining real properties on or before October 1, 2006, and, as set forth in the Consent Order, the net proceeds of said sales shall be applied toward the Forfeiture

Money Judgment. The defendant's failure to sell the real properties by October 1, 2006 does not excuse him from his obligation to pay the Forfeiture Money Judgment.

4. Notwithstanding the foregoing, upon entry of this order, the United States is authorized to execute the balance of the Forfeiture Money Judgment against any and all property, real or personal, of the defendant pursuant to 21 U.S.C. § 853(p), the Federal Debt Collection Procedure Act, or any other applicable law.

5. The United States Marshals Service is directed to dispose of any payments made toward the Forfeiture Money Judgment in accordance with applicable law.

6. The Clerk of the Court is directed to send, by inter-office mail, five certified copies of this executed Final Order of Forfeiture to Assistant United States Attorney Kathleen A. Nandan, United States Attorney's Office, Eastern District of New York, One Pierrepont Plaza, 16th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
February 17, 2006

s/John Gleeson

HONORABLE JOHN GLEESON
UNITED STATES DISTRICT JUDGE